

UNITED STATES DISTRICT COURT

Nov 16, 2022

for

Eastern District of Washington

SEAN F. McAVOY, CLERK

U.S.A. vs.

Breithaupt, Andrea L

Docket No.

0980 2:22CR00133-TOR-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Amber M.K. Andrade, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Andrea L. Breithaupt, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Alexander C. Ekstrom sitting in the Court at Spokane, Washington, on the 28th day of September 2022 under the following conditions:

Standard Condition #8: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

Standard Condition #6: Defendant shall report to the United States Probation/Pretrial Services Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.

Special Condition #4: Defendant shall submit to a substance abuse evaluation and undergo and recommended substance abuse treatment as directed by the United States Probation/Pretrial Services Office. Prior to commencing any evaluation or treatment program, Defendant shall provide waivers of confidentiality permitting the United States Probation/Pretrial Services Office and the treatment provider to exchange without qualification, in any form and at any time, any and all information or records related to Defendant's conditions of release and supervision, and evaluation, treatment and performance in the program. It shall be the responsibility of defense counsel to provide such waivers.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 3, 2022, the conditions of pretrial release supervision were reviewed with Andrea Breithaupt. She acknowledged an understanding of the conditions, which included standard condition numbers 8 and 6, as well as special condition number 4.

Violation #1: Ms. Breithaupt is alleged to have violated standard condition number 8 by consuming methamphetamine and Fentanyl on or about October 2, 2022.

On October 3, 2022, Ms. Breithaupt reported to the U.S. Probation Office for her initial intake after being released from the Spokane County Jail. At that time, Ms. Breithaupt was subject to random urinalysis testing and provided a urine sample that was presumptive positive for amphetamine, methamphetamine, and Fentanyl. The defendant signed an admission of use form admitting to the use of just methamphetamine on or about October 2, 2022.

The urine sample was sent to a laboratory for further testing, and on October 9, 2022, it was confirmed that the sample was in fact positive for amphetamine, methamphetamine, and Fentanyl.

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Violation #2: Ms. Breithaupt is alleged to have violated standard condition number 6 by failing to report to the assigned pretrial services officer as instructed on October 10, 17, 24, and 31, 2022, as well as, November 7 and 14, 2022.

On October 3, 2022, during her initial intake with the U.S. Probation Office, Ms. Breithaupt stated she was scheduled to report for inpatient substance abuse treatment at Sundown M Ranch the next day, October 4, 2022. As such, the defendant was instructed to contact this officer on a weekly basis to verify her engagement in treatment and plan for her release.

It should be noted, Ms. Breithaupt has made no attempt to check-in with the undersigned officer since her initial intake.

Violation #3: Ms. Breithaupt is alleged to have violated special condition number 4 by failing to engage in inpatient substance abuse treatment as recommended.

During her initial intake, the defendant claimed she was scheduled to report for inpatient substance abuse treatment at Sundown M Ranch the next day, October 4, 2022. After a few weeks of no communication regarding the defendant, the undersigned contacted the treatment provider to verify the defendant's enrollment and ascertain an anticipated discharge date. Sundown M Ranch would neither confirm nor deny Ms. Breithaupt's engagement, nor would they provide this officer with any pertinent information, despite offers to provide them a copy of a signed release of information (ROI) and the relevant Court order.

As such, on November 8, 2022, this officer notified both defense counsel and the government that the undersigned was having difficulty verifying Ms. Breithaupt's whereabouts. On that same date, the defendant's counsel informed this officer she had been transferred to a different treatment facility. It should be noted, the United States Probation/Pretrial Office was never notified that Ms. Breithaupt would be transferring or had been transferred to a different facility.

On November 9, 2022, the undersigned was notified that Ms. Breithaupt was at Spokane Addiction Recovery Center (SPARC).

On November 14, 2022, this officer spoke with after-hours staff at SPARC who advised that they did not have anyone in inpatient treatment with that name.

On November 16, 2022, the undersigned again contacted SPARC and was informed that they had received a copy of Ms. Breithaupt's substance abuse assessment, as well as a referral for inpatient treatment, on October 24, 2022. According to the information received, because the defendant had never contacted them, a bed date had not been arranged. As of the writing of this report, Ms. Breithaupt's whereabouts are unknown.

PRAYING THAT THE COURT WILL ORDER A WARRANT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: November 16, 2022

by s/Amber M.K. Andrade

Amber M.K. Andrade
U.S. Pretrial Services Officer

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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other



Signature of Judicial Officer

11/16/2022

Date